

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Dominion Transmission, Inc.,)	
)	Case No. 2:11 CV 836
Plaintiff,)	
)	
vs.)	Judge Sargus
)	
Joseph Detweiler, et al.,)	
)	Magistrate Judge King
Defendants.)	

AGREED ORDER

This matter is before the Court on the Complaint of Plaintiff Dominion Transmission, Inc. (“Dominion”) (Doc. # 1, filed 9/19/11) and Dominion’s Motion for a Preliminary Injunction (Doc.# 6, filed 10/5/11). Defendant Joseph Detweiler and Defendant J.J. Detweiler Enterprises, Inc. (“Defendants”) have filed their Answer. (Doc. # 14, filed 1/24/12.) The Court held a Local Rule 65.1 telephone conference with counsel for Dominion and counsel for Defendants on February 1, 2012. The Court has set a hearing on Dominion’s Motion for a Preliminary Injunction for February 10, 2012, at 9:00 a.m.

This matter had previously been stayed due to bankruptcy proceedings. Dominion has been granted relief from the automatic stay by the Bankruptcy Court in order to pursue its non-bankruptcy law remedies with respect to the easements at issue in this matter. (Notice of Lifting of the Bankruptcy Automatic Stay, Doc. # 13, filed 1/5/12.)

Having before the Court the pleadings of the parties, the agreement of the parties, and for good cause shown, the Court hereby Orders the following:

a. Defendants, including any officers, directors, owners, employees, and/or representatives of Defendants, are hereby enjoined from shooting at or otherwise threatening or intimidating Dominion's employees or representatives with physical harm;

b. Defendants, including any officers, directors, owners, employees, and/or representatives of Defendants, are hereby enjoined from interfering in any way with Dominion's entrance to Defendants' property on which the Noble Tap Site is located;


c. the Parties hereby agree that Defendants authorize and consent to Dominion's use of the alternative path (*i.e.*, around the hill) in order to access the Noble Tap Site until a final decision is made by this Court in this matter, and, the Parties further agree that in the event the condition of the alternative path is not adequate for Dominion to safely access its facilities, Dominion shall be entitled to improve the alternative path as necessary without compensation to Defendants; and

d. the Parties agree that nothing in this Agreed Order sets a precedent, prejudices, waives, and/or releases any of the Parties' rights in the underlying litigation.

The Parties will report back to the Court within 60 days of the filing of this Agreed Order to advise the Court as to the status of the resolution of the underlying issues relating to the easements in this case and as to the need for the Court to set a trial on the issues in this matter.

IT IS SO ORDERED.

2-7-2012
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

Agreed:

/s/ *James C. Carpenter*

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/s/ *Scott M. Zurakowski*
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